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Written statement* submitted by the Norwegian Refugee Council, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 February 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Please recycle

The Norwegian Refugee Council's statement on forced displacement and homelessness

The Norwegian Refugee Council (NRC) welcomes the thematic report of the Special Rapporteur on adequate housing, Leilani Farha, on the issue of homelessness.

By drawing attention to homelessness as a global human rights crisis, the Special Rapporteur has provided the opportunity to highlight the risks faced by 59.5 million people who have been forcibly displaced by armed conflicts[1], and over 19.3 million newly displaced due to disasters[2], worldwide. The report identifies conflicts as a cause of homelessness; displaced persons, by definition, have to abandon their homes. Many of them have been forced to leave because of targeted discrimination. Significantly, the report documents discrimination as both a cause and a consequence of homelessness, noting that those who face discrimination on grounds such as ethnicity, place of origin and gender, are more likely to become homeless and, once homeless, experience additional discrimination.

Refugees and internally displaced persons (IDPs) are part of the millions worldwide who have lost their homes and are subject to discrimination, stigmatization and social exclusion. NRC's experience of supporting displaced persons shows that they face particular obstacles in accessing adequate housing during displacement and are subject to forced evictions and other human rights abuses. They also struggle to assert their rights to restitution or compensation for their housing, land and property upon return. This is a significant aspect of the overarching structural and institutional causes of homelessness identified in the report.

In NRC's experience the risks are particularly prevalent for refugees and IDPs living in urban environments. It is estimated that almost half of the world's IDPs and refugees now live in towns and cities[3], many in informal settlements. The Special Rapporteur has documented the overcrowded and insecure situation of those in informal settlements. They are often forced to live in inadequate shelter conditions with poor sanitation and lack of access to clean water. The Special Rapporteur has also drawn attention to a significant dimension of being homeless and displaced — the feeling of "belonging nowhere"— which characterises the experience of displacement.

NRC's legal assistance programmes in 20 conflict-affected countries worldwide confirm the Special Rapporteur's observations, particularly the difficulties faced by women documented in the report. During the past five years, NRC has undertaken programme and advocacy initiatives on the housing, land and property rights of displaced women. Research from NRC's legal assistance programmes shows that displaced women are at a particular risk of losing their homes and becoming homeless. This is due to the the intersectionality of discrimination which affects displaced women because they are refugees or internally displaced; economically disadvantaged; members of ethnic or religious minorities; and because many are living in societies where significant structural inequalities persist. In the countries where NRC works, women's security of tenure often depends on their relationship with a man; their father, brother, or uncle.

In NRC's experience, some of the causes of homelessness affecting displaced women are the perpetuation of harmful traditional practices that prevent women's access to housing and land through inheritance and marital property. These include the eviction of widows from their homes and denial of inheritance rights. They result in women becoming displaced and falling into a cycle of poverty, destitution and homelessness.

Displaced women therefore continue to experience violence and homelessness long after conflict ends. Because these practices are perpetrated by women's families and their communities, they warrant specific interventions that are different from addressing the loss of housing and land as a result of the conflict. In some cases, discriminatory national laws or gaps in law can exacerbate this, despite the existence of equality guarantees in national constitutions. At the

[1] UNHCR 2015; International Displacement Monitoring Centre (IDMC), Norwegian Refugee Council (NRC), Global Overview 2015
[2] International Displacement Monitoring Centre (IDMC), Norwegian Refugee Council (NRC), Global Estimates 2015
[3] ALNAP October 2015; Global Urban Crisis Charter

national-level this requires the reform of marital property and inheritance laws where these are discriminatory. It also entails paying close attention to land reform initiatives to avoid entrenching existing discriminatory land tenure systems which exclude women. Harmful traditional practices should be criminalised — for example, the eviction of widows — and laws to remove violent perpetrators from marital homes should be enacted or strengthened.

For the future, NRC proposes that there is an increased focus on harmful practices and their links to women's displacement, eviction and homelessness. This involves monitoring and reporting on these issues, as follows:

1. Document the continuation of harmful practices which prevent inheritance and undermine marital property rights;

2. Document existing discrimination in national marital property regimes and land administration e.g. land reform policies;

3. Document the enactment of laws that forbid practices preventing women from inheriting housing land and property;

4. Describe national programmes for the provision of free legal assistance for women wishing to assert their housing, land and property rights.

The Norwegian Refugee Council (NRC) is an independent, international, humanitarian non-governmental organisation, which provides assistance and protection as well as contributing to durable solutions for refugees and internally displaced people worldwide. NRC provides information, counselling and legal assistance (ICLA) related to housing, land and property (HLP) rights in 20 countries afflicted by conflict or recovering from it. NRC also delivers emergency and transitional shelter assistance in these countries.